

NOTICE OF PUBLIC HEARING

PROPOSED STIPULATED SETTLEMENT AGREEMENT AND
ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2017-0007

NILAND SANITARY DISTRICT
MUNICIPAL WASTEWATER TREATMENT PLANT
Niland – Imperial County

NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD
BEFORE THE REGIONAL BOARD ON **MARCH 9, 2017**

On December 14, 2016, the Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) issued a Proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2017-0005 pursuant to California Water Code (Water Code) section 13323 to the Niland Sanitary District, owner/operator of the Niland Wastewater Treatment Plant, (hereinafter referred to as Discharger). The Discharger is alleged to have violated effluent limitations and monitoring and reporting requirements of Waste Discharge Requirements (WDRs) Orders R7-2003-0049, R7-2008-0020 and R7-2014-0001 (NPDES No. CA0104451), and violated Cease and Desist Orders (CDO) R7-2012-0024. **On January 27, 2017, the Executive Officer withdrew proposed Order R7-2017-005 and now proposes an updated Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulation) R7-2017-0007.**

The Discharger and the Colorado River Basin Water Board Prosecution Staff (Parties) have entered into a tentative settlement to resolve any and all claims for civil liability the Regional Board has or may have against Niland Sanitary District, arising from or relating to the violations of WDRs Orders R7-2003-0049, R7-2008-0020 and R7-2014-0001 (NPDES No. CA0104451) and violations relating to Cease and Desist Orders (CDO) R7-2012-0024. **The updated Stipulation (Order R7-2017-0007) includes a more thorough analysis of the District's ability to pay fines, corrects minor math errors and policy inconsistencies, but continues to provide for the Discharger to implement a Compliance Project and an Enhanced Compliance Action to settle this liability.**

The **revised proposed** Stipulation proposes that administrative civil liability in the amount of **\$475,900** be imposed as authorized by CWC section 13385, subdivisions (h) and (i) and CWC section 13350, subdivision (a) and (e).

As a result, the Parties have agreed to settle the matter and intend to recommend to the Colorado River Basin Water Board at the **March 9, 2017** Board meeting that it adopt the proposed Stipulation (Gov. Code, § 11415.60.) The Prosecution Staff believes that the resolution of the alleged violations are fair and reasonable and fulfills the Prosecution Staff's enforcement objectives, that no further action is warranted concerning the specific violations, and that this Stipulation is in the best interest of the people of the state of California.

Accordingly, to resolve by consent and without further administrative proceedings, the Parties have agreed to the final imposition of **\$475,900** in liability against Niland Sanitary District pursuant to Government Code section 11415.60. The Parties have agreed that **\$125,000** of the total

liability will be suspended pending completion of an Enhanced Compliance Action (ECA) and **\$220,000** of the total liability shall be suspended pending completion of a Compliance Project (CP). Additional details concerning this proposed Stipulation are described in the proposed Stipulated Settlement Agreement and Order and its Exhibit D. **The settlement is contingent on Regional Water Board approval.**

Copies of the revised proposed Stipulated Settlement Agreement and Order, Board Order R7-2017-0007, are available on the Regional Board's website at:
http://www.waterboards.ca.gov/coloradoriver/board_decisions/tentative_orders

Also, the Parties have tentatively agreed that the Discharger shall pay a total of **\$130,900** to the "Waste Discharge Permit Fund" no later than 30 days following the Colorado River Basin Water Board's adoption of the Stipulated Settlement Agreement.

These documents are also available by request at the office of the Colorado River Basin Regional Water Board. You may also request a mailed copy of these documents by contacting Hilda Vasquez at (760) 346-7491 or Hilda.Vasquez@waterboards.ca.gov.

The Regional Water Board will consider adopting the proposed Stipulation during a Public Hearing that will commence at the time and place indicated:

Date: **March 9, 2017**
Time: **9:00 a.m.**
Location: **City of Needles
City Council Chambers
817 3rd Street
Needles, California**

The Regional Water Board will accept written comments regarding this revised proposed Stipulation during a thirty (30) day public comment period, which begins **January 30, 2017** and ends **March 1, 2017**. Persons wishing to submit written comments on the proposed Stipulation are requested to do so as soon as possible, but no later than **5:00 p.m. on March 1, 2017**. Written comments may be emailed to Prosecution Staff member Maribel Jernegan at Maribel.Jernegan@waterboards.ca.gov or mailed to her attention at:

73720 Fred Waring Drive, Ste. 100
Palm Desert, CA 92260

Written comments may also be faxed to the Colorado River Basin Water Board at (760) 341-6820.

Written comments submitted after **March 1, 2017**, will not be accepted into the record, unless allowed by the Chair of the Colorado River Basin Water Board. Comments received by this date will be considered in preparation of staff recommendations to the Colorado River Basin Water Board. Also, an opportunity for oral comments will be provided at the hearing, although time limits may be imposed by the Board. Please note that all exhibits, charts, graphs, and other testimony timely presented as evidence must be left with the Colorado River Basin Water Board as part of the administrative record.

Please bring this information to the attention of anyone you know to be interested in this issue.

Any person who is disabled and requires special accommodations to participate in this Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled Public Hearing.